



#10

PATENT

Attorney Docket: 1390-9 CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ralph et al. Examiner: Reip, D.  
Serial No.: 09/992,612 Group: Art Unit: 3731  
Filed: November 13, 2001 Dated: August 25, 2003

For: **POLYAXIAL PEDICLE SCREW HAVING A THREADED  
AND TAPERED CMPRESSION LOCKING MECHANISM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

RECEIVED  
AUG 28 2003  
OFFICE OF PETITIONS

Sir:

Fastenetix, L.L.C., assignee of the entire right, title and interest in and to the above-referenced patent application (by virtue of an assignment recorded at Reel 8923, Frame 0208, hereby disclaims the term of any patent issued in this case which would otherwise extend past the expiration date of United States Patent No. RE 37,665, issued on April 16, 2002, and agrees that any patent granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the aforesaid United States Patent RE 37,665, this agreement to run with any patent granted on the present application to be binding upon the grantee, its successors or assigns.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 25, 2003.

Dated: August 25, 2003

  
Russell R. Kassner

08/28/2003 SLUANG1 00000004 09992612

03 FD:1014

110.00 OP

No disclaimer is made of any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. RE 37,665 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclosed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term except for the separation of legal title stated above.

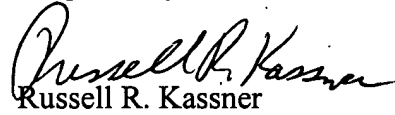
The undersigned, an attorney of record in this application, is empowered to act on behalf of the assignee pursuant to 37 C.F.R. §1.321.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under section 1001, Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

Attached is a check in the sum of \$110.00 pursuant to 37 C.F.R. §1.20(d) for filing this Terminal Disclaimer. Charge Account No. 50-2140 for any fee deficiency

required by this paper. A DUPLICATE OF THIS DISCLAIMER IS ATTACHED.

Respectfully submitted,



Russell R. Kassner

Registration No. 36,183

CARTER, DELUCA, FARRELL & SCHMIDT, LLP  
445 Broad Hollow Road, Suite 225  
Melville, New York 11747  
Telephone: (631) 501-5700  
Facsimile: (631) 501-3526

**SEND ALL CORRESPONDENCE TO:**

**Joseph P. Errico, Esq.**  
**150 Douglas Road**  
**Far Hills, New Jersey 07931**  
**Tel: (908) 273-6109**  
**Fax: (908) 273-6136**